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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

vs.

Jose Guillermo Tello-Albarran,

Defendant.

2:19-mj-316-CWH

**Stipulation to Continue Preliminary
Hearing (First request)**

It is stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney; Kevin D. Schiff, Assistant United States Attorney, counsel for the United States of America and Rebecca A. Levy, Assistant Federal Public Defender, counsel for defendant Jose Guillermo Tello-Albarran;

That the Preliminary Hearing currently scheduled for May 21, 2019, be vacated and continued seven days from the current setting.

1. Counsel for Defendant needs additional time to meet and confer with her client and to discuss the case, and is actively negotiating with the Government regarding case resolution.
2. Counsel for Defendant and the Government agree to the continuance.
3. Defendant is detained and agrees to the continuance.

1 5. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice.

3 6. The additional time additional time requested by this Stipulation is excludable
4 in computing the time from the filing of the criminal complaint through which the
5 government must assert an criminal Information or seek an Indictment by the Grand Jury
6 pursuant to the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when
7 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and
8 3161(h)(7)(B)(iv).

9 7. This is the first request for a continuance.

10 DATED this 20th day of May, 2019.

11 NICHOLAS A. TRUTANICH
12 United States Attorney

13 /s/ Kevin Schiff
14 Kevin Schiff
15 Assistant United States Attorney

16 /s/ Rebecca Levy
17 Rebecca A. Levy, AFD.
18 Counsel for Defendant
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1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 United States of America,

2:19-mj-316-CWH

4 Plaintiff,

**ORDER TO CONTINUE
PRELIMINARY HEARING (First
Request)**

5 vs.

6 Jose Guillermo Tello-Albarran,

7 Defendant.

8 **I. Findings of Fact**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
10 Court finds that:

- 11 1. The period within which the government may assert an Information or seek an
12 Indictment through the Grand Jury against the defendant is hereby extended from
13 the date of the filing of the complaint up through and including May 27, 2019.
- 14 2. Both counsel for Defendant and counsel for the government agree to the
15 continuance.
- 16 3. Defendant is detained and agree to the continuance.
- 17 5. The additional time requested by this Stipulation is excludable in computing the
18 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title
19 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18,
20 United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

- 21 6. This is the first request to continue the preliminary hearing.

22 For all of the above-stated reasons, the end of justice would best be served by a
23 continuance of the preliminary hearing.

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IT IS SO ORDERED

DATED: May 21, 2019